

BEFORE THE WV STATE FIRE COMMISSION

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IN RE: ADOPTION OF PROPOSED

STATE FIRE CODE 87CSR1

PUBLIC HEARING

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BEFORE: KENNETH E. TYREE, Fire Marshal
ROBERT BAILEY, IV, Chief Deputy Fire Marshal
DAVID CAMP, Commissioner
JIM OLDAKER, Commissioner
KATHRYN BURNS, Administrative Secretary
GREGORY CADE, NFPA Regional Director
HEARING: Wednesday, June 28th, 2021
11:00 a.m.
LOCATION: 1207 Quarrier Street
Second Floor
Charleston, WV 25301
WITNESSES: None

Reporter: Rylee Adams

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A P P E A R A N C E S

WILLIAM R. VALENTINO, ESQUIRE

State Capitol Complex

1900 Kanawha Building East

Charleston, WV 25305

COUNSEL FOR

I N D E X

DISCUSSION AMONG PARTIES

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CERTIFICATE

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E X H I B I T S

Page

Number

Description

Offered

NONE OFFERED

P R O C E E D I N G S

FIRE MARSHAL TYREE: We would like to call the public hearing for 87CSR1, West Virginia State Fire Code. We'd like to call this meeting to order. It is 11:01 o'clock a.m. at this time.

Present in the room is the two members of the State Fire Commission, Commissioner Dave Camp and Commissioner Jim Oldaker, myself Marshal Tyree, State Fire Marshal, Chief Deputy Fire Marshal Robert Bailey, and Administrative Secretary, Kathryn Burns, along with guest and public. We recognize Chief Gregory Cade, NFPA, still titled Regional Director for the NFPA, and obviously we have our wonderful court reporter here.

Today we are taking consideration to the West Virginia State Fire Code 87CSR and we will begin by sharing that we did have public comments that we received by e-mail or mail. And those comments I will share at this time. We received a public comment from Brandolyn Felton-Ernest, concerning section 87-1-17, which is a --- it'll be a technical cleanup based on conflict it has with West Virginia code 15A - 9.1. We received a public comment from Gregory Cade from NFPA. It's also a technical cleanup in reference to the

1 national electrical code and its title --- that is
2 currently in 87CSR1. We received another e-mail --- or
3 an e-mail from Jennifer Greenleaf from the West Virginia
4 Department of Agriculture. And it was pertaining to the
5 Fire Code and the exemption that needs to be put in the
6 code pertaining to the exemption allowance passed by the
7 legislature pertaining to buildings used for the
8 purposes of agricultural purposes including agro-tourism
9 purposes. And that recommendation is for section 1.6 of
10 87CSR1 and also a recommendation for some language
11 pertaining to specifically how we will deal with that
12 exception if we are approached pertaining to buildings
13 or structures used for agricultural purposes.

14 And then I, myself, the State Fire
15 Marshal, submitted a public comment to strike NFPA 120,
16 Standard for Fire Prevention and Control in coal mines
17 2015 edition from the proposed appendix within the state
18 Fire Code based on the MSHA laws being in place and
19 where we don't have provisions to utilize NFPA 120. And
20 then I also submitted another comment pertaining to some
21 technical cleanup that had to do with one word
22 being electric and making it electrical to identify the
23 NFPA code correctly.

24 Those were the only public comments we

1 received by mail or e-mail. And so at this time I
2 wanted to ask anyone here as the public if they had any
3 additional comments pertaining to the state Fire Code.

4 Seeing none we will move forward. I will
5 quickly explain the legislative process based on how
6 this code and the legislative process moves forward. So
7 as we were aware there's a filing of the code for public
8 comment which we just completed. We're about to
9 complete based on today's meeting. From the Fire Code,
10 we will tomorrow have a special Fire Commission meeting
11 where these considerations for the public comments and
12 any comments from the hearing will be shared. There
13 will be action taken from the Fire Commission with the
14 hopes of moving forward with the final filing of the
15 state Fire Code. That has to be done by Friday, July
16 30th, which is two days from now.

17 After which based on that final filing
18 the Legislative Rule-Making Committee of the legislature
19 will take into consideration 87CSR of the West Virginia
20 State Fire Code. If found acceptable based on any
21 comments that might come from that body or the public at
22 large, hopefully it will be filed, submitted to be a
23 part of the legislature process for the 2022 legislative
24 session. And then based on that, the actions that occur

1 there will determine if we'll have an update to the said
2 code.

3 So we have --- I should have mentioned
4 this earlier, we do have our General Counsel, a member
5 of our counsel, Will Valentino on the call today and I
6 will ask if he had anything that needs to be added to
7 the record of this hearing.

8 ATTORNEY VALENTINO: I do not. Other
9 than the period of time for public comments concludes at
10 4:00 p.m. today, Ken.

11 FIRE MARSHAL TYREE: Thank you for that
12 comment. And so with that, seeing that we have no
13 comments from the public and we've shared what we've
14 needed to, we can adjourn this meeting at this time for
15 the public hearing 87CSR of the West Virginia State Fire
16 Code.

17 Thanks all for their participation and I
18 look forward to their future engagement. Thank you.

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20 HEARING CONCLUDED AT 11:08 A.M.

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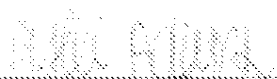
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CERTIFICATE

I hereby certify, as the stenographic reporter, that the foregoing proceedings were taken stenographically by me, and thereafter reduced to typewriting by me or under my direction; and that this transcript is a true and accurate record to the best of my ability.

I certify that the attached transcript meets the requirements set forth within article twenty-seven, chapter forty-seven of the West Virginia Code.



Rylée Adams,
Court Reporter